COMMONWEAL

JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS

Pending in the 2015 Session of the California Legislature

July 2, 2015

This bulletin contains digests of selected bills pending in the 2015 session of the California Legislature. Subjects covered include juvenile justice, youth crime & violence prevention, youth mental health, school discipline, probation foster care and related matters. This is the first year of a two-year session; bills that have failed to meet deadlines for passage in the house of origin are noted as "two year bills" that can be taken up again next year. The deadline for bills to clear policy committees in the second house is July 15, which marks the beginning of the Legislature's summer recess. Legislators return on August 17 for the final weeks of the session which is scheduled to end on September 11. Amendments and committee assignments in this issue are current through June 30, 2015. The full text of each bill in this report can be accessed on the California legislative website at http:///www.leginfo.ca.gov. Additional information on California legislation, budget and policy in the broader youth justice field is available on the Commonweal Juvenile Justice Program website at www.comjj.org.

Assembly bills

AB 217 (Maienschein, R. - San Diego). Juvenile's right to address the court. Amends Welfare and Institutions Code Section 349 to specify that a minor present at a juvenile court hearing shall be informed by the court that he or she has the right to address the court and participate in the hearing. Passed both houses, enrolled to the Governor on June 23.

AB 403 (Stone, D. – Santa Cruz). Continuum of Care Reform plan for children's group homes. This massive bill (220 pages) seeks to implement key features of the Administration and California Department of Social Services (CDSS) proposed overhaul of children's group home rates and placements. Those recommendations were issued in a January 2015 "Continuum of Care Reform" report compiled by a CDSS Working Group of foster care and probation stakeholders. The recommendations would redirect a significant share of the private placement caseload from congregate care to home-based foster care, reserving out-of-home placement in group care facilities for youth currently placed in facilities at the highest levels of care. Current RCL level 1-9 group homes would be eliminated entirely and their caseload would transfer to family-based foster care. RCL level 10-14 facilities would be collapsed into a single level and rate for "Short Term Residential Treatment Centers" (STRTC's) for both child welfare and probation-placed youth needing higher levels of care. Under the revised scheme, STRTC's would be mandated to include a strong mental health component and would prospectively be co-funded with local (realigned) foster care dollars and state and federal mental health funds. Each STRTC would require state or local certification as a licensed mental health provider. Placements in STRTC's would be made by the Court pursuant to a case plan developed by a Child and Family Team defined and described in the bill. Based on continuing discussions between providers, the Chief Probation Officers of California and other stakeholders, AB 403 amendments have expanded the eligibility requirements for

placement in an STRTC, by replacing the requirement that STRTC's serve only "seriously emotionally disturbed" children with broader mental health criteria, and by making other changes opening STRTC placements to a more defined class of probation youth. The bill makes numerous other changes related to the licensing, staffing and operation of the new single-level residential treatment centers. It also provides for training to expand the number of qualified foster parent homes that would, going forward, accept placements of welfare and probation youth not needing higher levels of care as defined. Numerous other changes related to licensing, operation, funding, services, staffing and phasing-in of the revisions are included in the bill. *Passed Assembly, to the Senate Human Services Committee*.

AB 592 (Stone, D- Santa Cruz). Proof of prior foster care status. Authorizes the Dept. of Social Services to provide, upon request, documentation verifying that a person was a former dependent or ward of the juvenile court and was placed in foster care. An urgency clause that would make the bill effective upon signature by the Governor was added in June. In Senate Appropriations Committee.

AB 602 (Gallagher, R.- Chico). Board of State and Community Corrections- recidivism data. Requires the Board of State and Community Corrections (BSCC), staring July 2016, to collect, analyze and publish data regarding the recidivism rates of realigned adult offenders (felons serving county jail sentences or post-release supervision under 2011 prison realignment). Requires BSCC to carry out the new data collection mandate in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California Sheriffs' Association, the Calif. District Attorneys Association, and the Chief Probation Officers of California. Specifies that the recidivism data collected and analyzed is to be collected for follow up periods of one, two and three years after release, and defines the recidivism measure to be that adopted by BSCC as a result of prior legislation (AB 1050). No specific juvenile justice application but may be considered in discussions and recommendations currently under development within the BSCC-based Juvenile Justice Data Working Group. Held in the Assembly Appropriations Committee, two year bill.

AB 666 (Stone, D. – Santa Cruz). Sealing of juvenile court records. Clarifies and expands last year's SB 1038 (Leno) which added WIC Section 786 providing for the auto-sealing of court records and the dismissal of petitions in "non-707" delinquency cases upon satisfactory completion of informal supervision or probation. This bill extends the sealing requirement to law enforcement, probation and other public agency records and requires the Judicial Council to adopt rules and forms providing for the standardized implementation of Section 786. AB 666 also adds a definition for "satisfactory completion" of probation to guide courts in determining sealing eligibility, providing further that an unfilled restitution order or restitution fine is not a bar to sealing under Section 786 where the restitution order can be converted to a civil judgment under WIC Section 730.6. Adds the probation department to the list of agencies that can access a sealed record with defined limits on the use and dissemination of the information accessed in the record. Clarifies the right of the person whose record is sealed and whose petition is dismissed under Section 786 to nondisclosure of the arrest, prosecution and related case events when applying for jobs or college. As amended in June, permits the Court when sealing a current petition to also seal prior petitions that meet the sealing criteria of Section 786, and permits sealing to go forward under section 786 where a prior WIC 707 (b) offense has been reduced to a non-707 offense (per the May 2015 appellate ruling and request in *In re. G.Y.*). *In the Senate Public Safety Committee, set for vote-only with amendment on 7/7.*

- AB 703 (Bloom, D. Santa Monica). New training and representation requirements for juvenile defense counsel. Sets out new criteria for court-appointed counsel in WIC 601 and 602 delinquency proceedings, covering the adequacy of representation, investigation and preparation, contact with the client and retention of experts. Requires the Judicial Council, in collaboration with defense attorneys, judges and other "justice partners", to adopt rules of the Court establishing "minimum hours of training and education, or sufficient recent experience in delinquency proceedings in which the attorney has demonstrated competence", for attorneys seeking court-appointments. Requires that mandatory training be provided in areas including delinquency law and procedure, child and adolescent development, special education, mental health and other specified areas. On suspense in the Senate Appropriations Committee.
- AB 710 (Brown. D. San Bernardino). Local control funding formula—probation youth. As introduced, added probation youth to the code list of high-needs pupils eligible for education funding supplements under the "local control funding formula". This core provision was stripped out of the bill in Assembly Appropriations Committee, leaving only the ancillary provision that required local education control and accountability plans to include goals for probation youth. The bill went to the Assembly floor, where the author has now moved it to the inactive file. Inactive file on the Assembly Floor; two year bill.
- AB 766 (Ridley-Thomas, D.- L.A.). School based health center grant funding priorities. Adds to the criteria for state funds supporting school based health centers, by adding a preference for funding for applicant schools having a high percentage of youth who receive free or low-cost insurance through Medi-Cal Passed Assembly, to Senate Health Committee.
- AB 829 (Nazarian, D. Sherman Oaks). Gang data base. Current law requires a local law enforcement agency to notify a person (or the parent or guardian of a person under 18) when he or she has been added to the Attorney General's gang data base. This bill would require the law enforcement agency to provide this notice an advance of designating the person as a criminal gang member and would permit the prospective designated gang member to contest the designation. Establishes a hearing process within the local law enforcement agency and an appeal process for challenges to gang data base inclusion. Requires the Department of Justice to track and report to the Legislature additions to the CalGang data base and requests for removal from the data base. Passed the Assembly Public Safety Committee, then failed passage in the Assembly Judiciary Committee.
- AB 832 (C. Garcia, D. Bell Gardens). Child sexual assault reporting.. Redefines "sexual assault" crimes under the child abuse and neglect reporting section of the Penal Code (commencing at Section 11164) to exclude reporting of listed sex acts that are voluntary, in the absence of indicators of abuse, unless the conduct is between a person 21 years of age or older and a minor who is under the age of 16. Failed to meet deadline for passing the house of origin; on the Assembly floor, two year bill.
- AB 891 (Campos, D. S.F.). After School Education and Safety Act. Pupil transportation. Gutted and amended to remove changes to the After School Education and Safety Act (Prop 49, 2002) that would have granted priority for enrollment in qualified ASESA programs to homeless youth and pupils in CalWORKS (welfare) families. Transformed into a bill that would provide free transportation to and from school for defined low-income pupils. Removed from our juvenile justice tracking list.

AB 899 (Levine, D. – San Rafael). Disclosure of juvenile court records to federal authorities. States intent to protect the confidentiality of juvenile court records regardless of immigration status. Provides that nothing in the Juvenile Court law shall authorize the disclosure of juvenile information or records to federal officials without a court order signed by a judge of the juvenile court after a petitioned hearing on the request to release the information. Non-fiscal bill. On the Senate Floor.

AB 989 (Cooper, D. – Sacramento). Sealing of juvenile court delinquency records. Amends WIC Section 786 (added by SB 1038 last year) to provide that a record sealed by the court under Section 787 can be accessed by the probation department in a subsequent felony proceeding against the minor to determine the minor's prior program history in order to implement referral to a remedial service or program. Further provides that the information by probation accessed from the sealed record may not be used to impose new sanctions, detention or penalties upon the minor. The probation access language in this bill now conforms to the same provisions in AB 666 (Stone), above, except that AB 989 also provides that the probation department can access sealed records for information necessary to comply with Title IV-E foster care placement requirements. Non-fiscal bill. On the Senate Floor.

AB 1056 (Atkins, D.- San Diego). Proposition 47- allocation of BSCC share. Proposition 47, a statewide initiative approved by voters in November 2014, creates a Safe Neighborhoods and Schools Fund to capture and redistribute state prison cost savings realized from reducing felonies named in the initiative to misdemeanors. Sixty five percent of this fund is to be allocated annually by the Board of State and Community Corrections (BSCC) to public agencies for programs "aimed at supporting mental health treatment, substance abuse treatment and diversion programs" for people in the criminal justice system. AB 1056 would further define and limit how BSCC could allocate its share of Proposition 47 funds. The bill would transfer all BSCC- allocable Prop 47 funds into a "Second Chance Fund" which would then be distributed under a competitive grant program that is governed by eligibility and funding priority criteria stated in the bill. Under these criteria, grants are to be focused on "community-based solutions for reducing recidivism". Funding eligibility is restricted to proposals serving persons in the justice system with mental health or substance abuse disorders, including misdemeanor diversion programs that are combined with mental health and substance abuse programs. Priority in scoring of proposals must be given to programs or services that are listed in detail in the bill including: restorative justice, housing or financial assistance and a range of community-based job and offender support services. Priority must also be given to proposals that leverage other public and private funds. The grant program is also required to consider proposals that provide services to juveniles. AB 1056 requires the Board to establish a 13 member Executive Steering Committee (ESC) to develop proposal and funding guidelines consistent with the requirements of the bill. Membership on the ESC is controlled by AB 1056 and must include a formerly incarcerated individual, a family member of an incarcerated individual, a mental health expert appointed by the Senate Rules Committee, a substance abuse expert appointed by the Assembly Speaker, and other listed experts in the areas of housing, community-based offender services, community supervision, and academia. One position on the ESC is reserved for a member of the BSCC Board. Passed the Assembly and tthe Senate Public Safety Committee, to the Senate Appropriations Committee.

Senate bills

SB 12 (Beall, D. – San Jose). AB 12 nonminor dependent definition changes. Revises the definition of a nonminor dependent eligible for continuing foster care benefits to include both a nonminor former delinquent court ward to include a person who has not attained 21 years of age, if he or she was adjudged a ward of the court on the basis of criminal activity, was subject to an order for foster care placement at the time the wardship petition was filed and was held in secure confinement when he or she attained 18 years of age, with conforming changes to authorize assumption or resumption of dependency or transition jurisdiction over the nonminor. Passed Senate, double referred in the Assembly to the committees on Human Services and Judiciary.

SB 110 (Fuller, R. - Bakersfield). New crime of threats of violence upon school grounds. Creates a new "wobbler" offense (misdemeanor or felony) for a willful threat of unlawful violence on school grounds that results in school disruption, however the threat is made including by electronic means. Latest amendments add the element that the threat causing the school disruption must be "so unequivocal, unconditional, immediate and specific as to convey a gravity of purpose and an immediate prospect of execution of the threat". Makes a person convicted of the new offense, including a minor adjudicated in juvenile court for the offense, liable for the reasonable costs of a public agency's emergency response to the threat. In the Assembly Appropriations Committee.

SB 118 (Liu, D. - Pasadena). School Based Health Centers. Changes the name of the current Public School Health Center Support program to the School-based Health and Education Partnership Program. Upgrades the minimum support grant that can be made to a school based health center from \$25,000 to \$50,000 and makes other changes in grant criteria including an additional focus on school-wide prevention programs and strategies and pupil-family-school partnerships. Passed Senate, double referred in the Assembly to the committees on Health and Education.

SB 124 (Leno, D. – S.F.). Juvenile solitary confinement, Juvenile Justice Commissions. SB 124 imposes stringent new limits on solitary confinement of minors who are detained in or committed to any juvenile facility or to any other state or local secure facility. States that solitary confinement shall not be used for the purposes of discipline, punishment, coercion, convenience or staff retaliation. Prohibits the use of solitary confinement in a state or local juvenile facility of a person who is an imminent danger to self or others as a result of a mental disorder, or is gravely disabled as defined. Otherwise prohibits solitary confinement in a state or local juvenile facility unless "...the person poses an immediate and substantial risk of harm to himself or herself, or to others that is not the result of a mental disorder" and unless "all other less-restrictive options have been attempted and exhausted". Requires that when used, solitary confinement shall be only for the minimum time required to address the safety risk while not compromising the mental and physical health of the minor, and then for not more than four hours. Requires extensive documentation of solitary confinement events. Provides that the provisions are not intended to limit the use of single-person rooms or cells in juvenile facilities and that they do not apply to minors or wards in court holding or adult facilities. The bill also amends code sections governing the makeup and responsibilities of county juvenile justice commissions. It adds two parents of incarcerated or formerly incarcerated youth as well as a defined adolescent health professional to local or regional juvenile justice commissions. Requires each juvenile justice commission, as part of its annual facility inspection, to review local records of solitary confinement, and provides that it may report inspection findings and recommendations annually to the Juvenile Court, county supervisors and BSCC. As amended the bill deletes code provisions establishing a juvenile probation commission Los Angeles County. Passed Senate and Assembly Public Safety Committee, to the Assembly Appropriations Committee.

SB 205 (Beall, D. – San Jose). Proposition 47 evaluation. Requires the Department of Finance to select a public or private university to conduct a four year evaluation to assess the process, outcomes and costs of Proposition 47, adopted last year by voters to reclassify listed felonies as misdemeanors and move the resulting state cost savings to local crime reduction programs. Requires the evaluation to include the number and characteristics of participants served by programs funded with grants awarded by the Board of State and Community Corrections, the Department of Education and other agencies under the terms of Proposition 47. Requires the selected university to submit the first evaluation report to the Legislature by 1/1/2017 and annually thereafter for another three years. In addition, the bill requires the Department of Justice to compile and publish annual criminal justice information regarding the number of people released from state prisons and county jails as a result of Proposition 47 and the number of released persons who are rearrested or reincarcerated within three years. Held in the Senate Appropriations Committee, two year bill.

SB 261 (Hancock, D. – Berkeley). Youth offender parole hearings. Under legislation authored by Senator Hancock in 2013 (SB 260), the Board of Parole Hearings was authorized to conduct sentence review hearings ("youthful offender parole hearings") for state prisoners serving long sentences for serious crimes committed while they were under the age of 18. This bill raises the age of eligibility for sentence review and reduction by the Board of Parole Hearings to include persons whose crimes were committed when they were under the age of 23. The bill does not otherwise alter the process or criteria for sentence reviews and reduction or release that were enacted via SB 260 in 2013. The bill sets deadlines for the completion of all parole suitability hearings covered by the bill. Passed the Senate and Assembly Public Safety Committee, to Assembly Appropriations Committee.

SB 382 (Lara, D. – Bell Gardens). Modified criteria for "fitness" hearings on transfers of juveniles to adult criminal court and remands to juvenile court. Under current law, a minor can be tried as an adult either upon prosecutor "direct file" of a qualifying case in adult court or by judicial transfer of to adult criminal court after a "fitness" hearing in the Juvenile Court. Judicial decisions to transfer a minor to adult court are guided by five criteria listed in the Welfare and Institutions code. SB 382 makes extensive modifications to these judicial "fitness" criteria. The criterion relating to "the degree of criminal sophistication exhibited by the minor" is modified by adding that the court may "give weight" to "any relevant factor" including the minor's age, maturity, intellectual capacity and developmental factors such as the minor's "impetuosity or failure to appreciate ricks", "peer pressure" and "childhood trauma". On the key criterion relating to the "gravity of the offense", SB 382 allows the court to give weight to any relevant factor including the minor's "mental and emotional development". Other fitness criteria are modified with similar developmentally-based factors. These modifications in fitness criteria are also applied to judicial hearings on the fitness of a minor to be sentenced under the juvenile court law after an adult court conviction of a lesser offense that did not initially qualify the minor for adult court jurisdiction. Non-fiscal bill. Passed Senate and the Assembly Public Safety Committee, to the Assembly Floor.

SB 456 (Block, D. - San Diego). New crime for threatened discharge of firearm at school or school event. Creates a misdemeanor offense punishable by a \$1000 fine or one year in county jail, or both, for a threat made by various means (including cell phone and social media) to discharge a firearm at a school or at a location where a school-sponsored event takes place. Defines schools to include preschool; public and private elementary, middle, junior high, high schools; community colleges and public or private universities. Provides that a person convicted of the offense or adjudicated a juvenile court ward on the basis of the offense shall be liable for the reasonable costs of emergency response to the threat. Passed Assembly Public Safety Committee, to the Assembly Appropriations Committee..

SB 463 (Hancock, D. – Berkeley). Safe and Supportive Schools Train the Trainer Program. Requires the State Department of Education to apportion funds to a designated county office of education to take the statewide lead in developing and supporting a wider network of trainers to support and expand positive school climate programs including the Schoolwide Positive Behavior and Supports (SW-PBIS) program, restorative justice, social and emotional learning, trauma-informed practice and other best-practice school environment and support models. Includes extensive intent language citing promising programs and approaches to the improvement of school climate with an emphasis on strategies to improve responses in areas that lack resources available in larger population areas. Requires the lead county office of education to consult with stakeholders to develop an array of strategies to train educators and other trainers on enumerated school-climate improvement strategies and programs. Passed Senate, to the Assembly Education Committee..

SB 484 (Beall, D. – San Jose). Children's group homes and psychotropic medication. Requires the Department of Social Services to document licensed children's group homes that are administering psychotropic drugs to children. Requires the Department to conduct annual site visits of group homes that are identified as having high rates of psychotropic drug administration, based on a methodology developed by the department to identify those facilities. based on a methodology and to conduct an annual inspection of a group home determined to be administering psychotropics to children at a rate exceeding the average authorization for all group homes. Requires a facility found to have a high utilization of dangerous psychotropic drugs to address steps to be taken to reduce inappropriate prescribing and treatment. Requires the Department to develop additional performance standards, outcome measures and programs to reduce psychotropic drug administration in group homes, upon consultation with listed stakeholders including the County Welfare Directors Association, the California Mental Health Directors Association and the Chief Probation Officers Association. Held in the Senate Appropriations Committee; two year bill.

SB 498 (Hancock, D.- Berkeley). Department of Justice-- juvenile justice data reports. Modifies current Penal Code provisions requiring the state Department of Justice (DOJ) to collect and publish data on transfers, direct filings and outcomes for juveniles processed in adult criminal courts. Specifies additional data to be collected and reported by DOJ including county-level data on the age, ethnicity, offense, sentencing and other data pertaining to juveniles whose are processed and sentenced by adult criminal courts in California. As amended, also requires the Department to report on the length of time spent in juvenile hall by minors subject to adult court proceedings. Requires the additional data to be posted on the Department of Justice website annually in a format that allows researchers and members of the public to download and analyze the data reported. Held in the Senate Appropriations Committee; two year bill.

SB 504 (Lara, D.- Bell Gardens). Sealing of juvenile court records. Amends Penal Code Section 1203.45 to eliminate charges imposed upon persons under the age of 26 for the costs of petitioning the court to seal the record for a misdemeanor committed prior to age 18. Amends Welfare and Institutions (WIC) Section 903.3 to limit the liability for costs related to the sealing of juvenile justice records to persons age 26 or older. Amends WIC Section 781 (petitions to seal juvenile court, arrest and probation records) by providing that an outstanding order of restitution that has been converted to a civil judgment, or a court imposed restitution fine or fee, shall not be a bar to sealing of the record. Passed Senate and Assembly Public Safety Committee, to Assembly Appropriations Committee.

SB 515 (Beall, D. – San Jose). Proposition 47 spending priorities. Proposition 47, a statewide initiative approved by voters in November 2014, creates a Safe Neighborhoods and Schools Fund to capture and redistribute state prison cost savings realized from reducing felonies named in the initiative to misdemeanors. Sixty five percent of this fund is to be allocated annually by the Board of

State and Community Corrections (BSCC) to public agencies for programs "aimed at supporting mental health treatment, substance abuse treatment and diversion programs" for those in the criminal justice system. SB 515 would provide further that BSCC shall allocate at least two thirds of its Proposition 47 to "public behavioral health agencies or other public agencies that provide behavioral health services" to provide evidence-based mental health and substance abuse treatment through licensed or certified behavioral health professionals and counselors. *Held in the Senate Appropriations Committee; two year bill.*

SB 527 (Liu, D. - Pasadena). Proposition 47: Safe Neighborhoods and Schools Grant Program. Proposition 47 adopted by state voters last November creates a Safe Neighborhoods and Schools Fund from savings due to reduced prison costs derived from reducing listed felony crimes to misdemeanors. 25 percent of the state fund is to be allocated by the State Department of Education to support truancy, dropout prevention and related school-based programs. SB 527 lays out eligibility criteria for this Prop 47 fund share, stating that any local education agency is eligible to apply for funds which are to be awarded in three-year grant cycles. The bill establishes detailed criteria for grants including a broad list of crime and truancy reduction and positive social and emotional health strategies that eligible schools must have. Requires applicant schools to design a three year plan with multiple components providing an array of named services to a wide population of pupils including designated subgroups such as low income and foster youth. Establish a funding priority for "high needs" pupils as defined in Education Code Sections 42238.01-.02. Requires stakeholder participation in grant awards. Held in Senate Appropriations Committee; two year bill.

SB 621 (Hertzberg, D. − L.A.). Mentally Ill Offender Crime Reduction Grants. Modifies the spending criteria in the MIOCR grant program authorized last year (\$18 million for county competitive grants supporting programs for juvenile and adult mentally ill offenders). States those funds may be used to support diversion programs as well as alternative custody programs offering appropriate mental health treatment and services In the Assembly Appropriations Committee.

SB 651 (Levya, D. - Chino)—Juvenile restitution orders. Section 730.6 of the Welfare and Institutions Code requires a delinquent ward of the court to pay a restitution fine and to pay restitution to victims suffering economic loss as a result of the minor's conduct. SB 651 adds to the definition of a victim entitled to restitution by a minor adjudicated under WIC Section 602, by including "a corporation, business trust, estate, trust, partnership, association, joint venture, government, government subdivision" or any other legal or commercial entity. It also adds listed family and household members and caretakers to the list of victims for whom restitution may be required. Passed the Senate and Assembly and back in Senate for concurrence on amendments.

SB 753 (Nielsen, R. – Gerber). Criminal Justice Reinvestment Assessment Grant Program.

Establishes the Criminal Justice Reinvestment Assessment Grant Program at the Board of State and Community Corrections (BSCC) to establish reporting systems to identify and expand programs that provide proven, evidence-based opportunities for successful offender re-entry. Requires each county to report an extensive list of outcome data for persons sentenced to local jail or placed on community release supervision under 2011 prison realignment. Requires local Community Corrections Partnerships to report by June 1, 2015 on each county's capacity to collect and report the additional data required by the bill. Establishes a grant program at BSCC to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report the additional criminal justice data required by the bill. Contains an unspecified allocation of state general fund dollars to support the new grant program. Held in the Senate Appropriations Committee; two year bill. □

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